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HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Thursday, 27 June 1996

BROADCASTING AMENDMENT BILL

Further Proposed Amendments

Hon. MAURICE WILLIAMSON, in Committee, to move the following amendments:

New clauses 22DA to 22DC: To insert, after clause 22D (which appears on page 33), the following clauses:

22DA. Maximum amount of parties' election expenses—Section 214B of the Electoral Act 1993 (as inserted by section 79 of the Electoral Amendment Act (No. 2) 1995) is hereby amended by adding the following subsections:

“(4) Where any activity of the kind described in paragraphs (a) to (c) of the definition of the term ‘election activity’ (as set out in subsection (1) of this section) is, in relation to a party that is registered under Part IV of this Act, carried on both before and within the 3 months immediately preceding polling day, the expenses incurred in respect of the activity (being expenses incurred by or on behalf of the party) shall be properly apportioned so that a fair proportion of those expenses is attributed to the carrying on of the activity in those 3 months, and the fair proportion of those expenses, but no other portion of those expenses, shall be election expenses.

“(5) Nothing in this section shall be construed as validating any use of public money that would otherwise be unlawful.”

22DB. Electoral petitions to Court of Appeal—Section 258 of the Electoral Act 1993 is hereby amended by omitting from subsection (1), and also from subsection (3), the words “Part B of the ballot paper”, and substituting in each case the words “the part of the ballot paper that relates to the party vote”.

22DC. Provisions applied—Section 261 of the Electoral Act 1993 is hereby amended—

- (a) By inserting, after the expression “sections 245 to 250,”, the expression “and”; and
- (b) By omitting the expression “and section 256”.

EXPLANATORY NOTE

New clause 22DA: This clause amends section 214B of the Electoral Act 1993 which prescribes the maximum amount that a political party may spend for or on account of election expenses. Section 213 of the Electoral Act (which prescribes the maximum amount that a candidate may spend for or on account of election expenses) contains a provision, subsection (4), that provides for the apportionment of the expenses that are incurred in relation to any "election activity" that is carried on both before and within the 3 months immediately preceding polling day. Section 214B does not contain a similar provision. The amendments now proposed remedy that deficiency and also provide, as in the case of section 213, that nothing in section 214B shall be construed as validating any use of public money that would otherwise be unlawful.

New clause 22DB: The new clause effects amendments to section 258 of the Electoral Act 1993 that are consequential on the changes made to the ballot paper by the Electoral Amendment Act (No. 2) 1995. The references to Part B of the ballot paper are replaced by references to the part of the ballot paper that relates to the party vote.

New clause 22DC: The new clause amends section 261 of the Electoral Act 1993 (which applies certain provisions of that Act to electoral petitions which are presented to the Court of Appeal and which relate to the allocation of list seats). One of the sections applied is section 256 (which relates to the withdrawal and substitution of respondents before trial). The application of the section to such petitions is not appropriate as section 258 (3) specifies who the respondents to such a petition shall be. Those respondents are the political parties named in the part of the ballot paper that relates to the party vote and, if the conduct of the Chief Electoral Officer is complained of, the Chief Electoral Officer. This clause accordingly provides that the provisions of section 256 of the Electoral Act 1993 are not to apply to election petitions presented to the Court of Appeal under section 258 of that Act.